

REMARKS

Claims 1-45 are pending in the present application. This response does not amend, cancel, or add claims. Accordingly, claims 1-45 are currently under consideration.

Claim Rejections – 35 U.S.C. § 112

Claims 30-45 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement because the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not support “a computer readable medium encoded with program code.”

Applicant respectfully submits that the specification discloses user computers 105, which can be “General purpose computers” and a web application server 130, which “operates one or more applications used for processing requests.” (Specification, paragraphs [0018] and [0020]). The specification further discloses that, in an embodiment, “the web application server 130 is one or more general purpose computers capable of executing programs or scripts” (Paragraph [0020].) The “web application can be implemented as one or more scripts or programs written in any programming language, such as JavaTM, C, or C++, or any scripting language, such as Perl, Python, or TCL.” (Id.) Furthermore, in another embodiment, “all or a portion of the web application functions may be integrated into an application running on each of the user computers. For example, a JavaTM or JavaScriptTM application on the user computer is used to process or store data or display portions of the application.” (Paragraph [0024]). Applicant respectfully submits that the specification’s description of computers and programming languages for providing application functions supports “a computer readable medium encoded with program code,” because a person of ordinary skill in the art would recognize that computers store data on computer-readable media, and applications implemented in programming languages are represented as program code encoded on the computer-readable media. Applicant therefore requests that the 35 U.S.C. § 112 rejection to claims 30-45 be withdrawn.

Claim Rejections – 35 U.S.C. § 101

Claims 30-45 are rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully submits that a person of ordinary skill in the art would not interpret the term “computer readable medium” to include non-statutory embodiments such as machine code stored on paper, because the term states that the medium is computer-readable, and if the medium is computer-readable, a computer can read and therefore execute the program code encoded thereon. Applicant therefore requests that the 35 U.S.C. § 101 rejection to claims 30-45 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 4, 10-15, 17-18, 20, 25-31, 33-39 and 41-45 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Powers et al. (Patent No.: 6,832,086 B1), hereinafter “Powers” in view of Teague (Pub. No.: US 2003/0229717 A1) and further in view of McLampy et al. (US 7,002,973 B2), hereinafter “McLampy”.

Applicant respectfully submits that the cited references do not specifically disclose the features of claim 1. Although the Examiner has provided reasons why one might combine the cited references, the Examiner has not provided reasons why one would modify the references to anticipate the claimed features. According to the MPEP, to reject a claim based on the rationale that some teaching, suggestion, or motivation would have led one of ordinary skill to modify the reference or to combine prior art reference teachings to arrive at the claimed invention, Office personnel must articulate the following: (1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings” (MPEP 2143).

The Examiner asserts that Powers discloses the features of claim 1 except for decrementing a count value, which is allegedly taught by Teague, and replacing the selected table entry with the event identification associated with the event in response to the count value of the selected entry equaling a predetermined value, which is allegedly taught by McLampy. The Examiner asserts that it would have been obvious to improve upon the disclosure of Powers by decrementing a counter as taught by Teague, and that it would further have been obvious to improve upon the disclosure of Powers and Teague by replacing entries that are no longer needed, as allegedly taught by McLampy.

Applicants respectfully traverse the rejection for at least the following reasons. Initially, Applicants respectfully submit that Powers does not disclose or suggest incrementing a first count value in response to the event identification matching, and decrementing a second count value in response to the event identification failing to match, as recited by claim 1. Such a method is not disclosed by Powers. Powers discloses that “if there is a match . . . [t]he event counter module 54 increments the counter for the filtered event.” (Powers, col. 5, lines 2-5). Powers does not disclose or suggest “decrementing a second count value associated with the selected table entry of the plurality of table entries in response to the event identification failing to match an event identification associated with the selected table entry,” as claimed.

Applicant respectfully submits that a person of ordinary skill in the art would therefore not be prompted to modify Powers and Teague to use determine a second count value in response to the event identification failing to match, as recited in claim 1, even if one of ordinary skill might be motivated to combine the references. Applicant submits that the Examiner has not provided any rationale as to how a person of ordinary skill in the art would be prompted to combine the elements in the way that claim 1 does. Regarding the combination of Powers and Teague, the Examiner states that it would have been obvious to modify the teaching of Powers as taught by Teague in order to reduce spamming by limiting the number of messages. However, the Examiner has not tied the goal of reducing spamming by limiting the number of messages to the elements of claim 1, and in particular to the element of decrementing a second count value as claimed. Applicant respectfully submits that a person of ordinary skill in the art would therefore not be prompted by the

goal of limiting the number of messages to modify the references to use count values as recited in claim 1, even if one of skill might be motivated to combine the references.

The Examiner further states that it would have been obvious to modify the teachings of Powers and Teague as taught by MeLampy in order to allocate the resources effectively by minimizing the resources used. However, the Examiner has not tied the goal of allocating the resources effectively by minimizing the resources used to the features of claim 1, and in particular to the claimed element of “replacing the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value.” Applicant respectfully submits that a person of ordinary skill in the art would therefore not be prompted by the goal of minimizing the resources to replace the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value, as recited by claim 1, because there is no relation between replacing a selected table entry as claimed and minimizing resources. Furthermore, MeLampy does not disclose “replacing the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value,” as claimed. In contrast, MeLampy discloses “[i]f an aggregation occurs, the following changes to the policies are made: the entries that are no longer required are removed/replaced by the newer entry.” (MeLampy, col. 45, lines 20-23). Applicant respectfully submits that one of ordinary skill in the art would not be motivated to modify MeLampy’s disclosure to anticipate claim 1’s features. Applicant respectfully submits that a person of ordinary skill in the art would therefore not be prompted by the goal of limiting the number of messages to modify the references to use count values as recited in claim 1, even if one of skill might be motivated to combine the references.

Applicant respectfully submits that a person of ordinary skill in the art would therefore not be prompted by the goal of limiting the number of messages to modify the references to use count values as recited in claim 1, even if one of ordinary skill might be motivated to combine the references.

Even if Teague and Powers were to be combined, the addition of Teague fails to cure the deficiencies of Powers. Teague discloses determining “whether to accept or reject a message based on a counter,” and “decrement[ing] the counter after a message has been accepted.” (Teague, paragraph [0063]). Teague does not disclose or suggest the claimed step of “decrementing a second count value associated with the selected table entry of the plurality of table entries in response to the event identification failing to match an event identification associated with the selected table entry,” as recited by claim 1. Therefore the claimed step of “decrementing a second count value . . . in response to the event identification failing to match” is not disclosed by the combination of the cited references, and therefore Applicants assert that claim 1 is not obvious. If the features disclosed by the cited references are combined, the result is a method that “increments the counter for the filtered event “if there is a match” (Powers, col. 5, lines 2-5); “determines whether to accept or reject a message based on a counter”; and “decrements the counter after a message has been accepted,” (Teague, paragraph [0063]). Applicant respectfully submits that this combination does not disclose or suggest the features of claim 1.

If MeLampy is combined with Teague and Powers, the addition of MeLampy fails to cure the above identified deficiencies of Teague and Powers. MeLampy discloses “[i]f an aggregation occurs, the following changes to the policies are made: the entries that are no longer required are removed/replaced by the newer entry.” (MeLampy, col. 45, lines 20-23). That is, MeLampy discloses replacing policy entries if an aggregation occurs. In contrast, claim 1 recites “replacing the selected table entry with the event identification associated with the received event in response to the second count value equaling a predetermined value,” as claimed. Therefore, MeLampy does not cure the defects of Powers and Teague identified above.

Finally, the proposed combination of Powers and Teague would impermissibly change the principle of operation of Powers. MPEP 2143.01. As discussed above, Powers discloses incrementing a count value if there is a match for a filtered event. The counter is therefore incremented if there is a match. The proposed combination put forth by the Examiner would alter the operation of Powers, because the combination would decrement the counter after incrementing the counter, therefore resulting in no change to the counter value, and therefore destroying the

operation of incrementing the counter. The addition of MeLampy does not cure the defects of Powers and Teague, because MeLampy is essentially silent as to the incrementing and decrementing of counters in response to event identification matching.

Accordingly, for at least these reasons the rejection to claim 1 should be withdrawn.

Regarding claim 2, Applicants respectfully submit that Powers does not disclose or suggest “wherein the event identification corresponds with the identity of a user.” Applicant respectfully submits that Powers does not disclose or suggest a user or associating an event with a user (in column 4, lines 40-65, or any other portion, of Powers).

Claims 4, 10-14, and 29 depend from claim 1, and Applicant respectfully submits that claims 4, 10-14, and 29 are patentable over the references for at least the reasons given above for claim 1.

Claim 15 and 30 were rejected using the same rationale as for the rejection of claim 1. Applicants respectfully submit that claims 15 and 30 are patentable over the references for at least the reasons given above for claim 1.

Claims 17-18, 20, and 25-28 depend from claim 15, and Applicants respectfully submit that claims 17-18, 20, and 25-28 are patentable over the references for at least the reasons given above for claim 15.

Claims 31, 33-39 and 41-45 depend from claim 30, and Applicants respectfully submit that claims 31, 33-39 and 41-45 are patentable over the references for at least the reasons given above for claim 30.

Claims 8, 9, 32 and 40, are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Powers in view of Teague in view of MeLampy and further in view of Narad et al. (Pub. No.: US 2003/0061332 A1), hereinafter “Narad”.

Claims 8 and 9 depend from claim 1, and Applicant respectfully submits that claims 8 and 9 are patentable over the references for at least the reasons given above for claim 1. Similarly, claims 32 and 40 depend from claim 30, and Applicant submits that claims 32 and 40 are patentable over the references for at least the reasons given above for claim 30.

Claims 3, 5-7, 19 and 21-24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Powers in view of Teague in view of McLampy and further in view of Brothers (Pub. No.: US 2002/0083178 A1).

Claims 3 and 5-7 depend from claim 1, and Applicants respectfully submit that claims 3 and 5-7 are patentable over the references for at least the reasons given above for claim 1.

Claims 19 and 21-24 depend from claim 15, and Applicants respectfully submit that claims 19 and 21-24 are patentable over the references for at least the reasons given above for claim 1.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 324212008500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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